

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Telecommunications Carriers Eligible for Universal Service Support)	WC Docket No. 09-197
)	
Connect America Fund)	WC Docket No. 10-90
)	

To: The Commission

REPLY COMMENTS OF KAJEET

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Kajeet, Inc. (“Kajeet”) hereby submits its reply comments in the above-captioned dockets.¹ Kajeet strongly supports the Commission’s effort to modernize the Lifeline program to ensure access to broadband for all Americans, including the millions of children whose lack of home Internet access substantially diminishes their chance of success in an increasingly connected world. The Commission’s E-rate modernization effort in 2014 was a major step forward in improving broadband access for students while at school. However, as Commissioner Clyburn correctly stated when voting to approve the *December E-rate Modernization Order*, “...it is equally important for us not to view this through a narrow lens, but as a three-legged stool where all pieces need to be present for success: broadband at school, broadband in the library and *broadband at home*. Absent one leg, the stool does not stand.”² Kajeet appreciates

¹ *Lifeline and Link Up Reform and Modernization*, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, WC Docket Nos. 11-42 et al., 30 FCC Rcd 7818 (2015) (“*Notice*”).

² *Modernizing the E-Rate Program for School and Libraries et al.*, Second Report and Order on Reconsideration, WC Docket Nos. 13-184 et al., 29 FCC Rcd 15538, 15631 (2014) (Statement of Commissioner Mignon L. Clyburn) (emphasis added) (“*December E-rate Modernization Order*”).

the Commission’s recognition of the “homework gap” and the need to transform Lifeline into a tool that can help close this devastating gap.

I. INTRODUCTION AND SUMMARY

Kajeet provides a safe, affordable, mobile broadband solution called Education Broadband™ that connects disadvantaged students to the Internet outside of the classroom, on the go, and at home. Kajeet’s Education Broadband solution includes a Kajeet SmartSpot® device, a MiFi® mobile hotspot and a cloud portal with controls that enable school districts to provide Children’s Internet Protection Act (“CIPA”)-compliant, education-only filtered Internet access to keeps students focused on school work. The service, running over two nationwide 4G LTE wireless networks, enables students to utilize any wireless-enabled laptop, tablet or other device to connect to the Internet, and provides schools, teachers, and parents with the tools to ensure that the connectivity is being utilized for education-related purposes. In short, for over a decade, Kajeet’s business has been uniquely focused on providing mobile solutions for children and all those who love them. In 2014 Kajeet launched its solution to the homework gap.³ In our experience, there is no shortage of demand from schools for solutions to get kids connected to the Internet at home. In fact, Kajeet currently serves over 100 school districts in 26 states and the District of Columbia. The need and the demand exists. There is, however, a shortage of funding available at the state and local level to meet the demand. While Lifeline support alone will not close the homework gap, if properly deployed, such funding can make a substantial difference.

Kajeet urges the Commission to modernize the program to support stand-alone broadband and make support directly available to public and charter schools to supply eligible

³ See Appendix A for Kajeet testimonials describing the Education Broadband service and the benefits to local communities.

students with CIPA-compliant mobile educational broadband service. In so doing, the Commission should exercise its authority to provide support to registered Lifeline providers, which should include public and charter schools. Eligible Telecommunications Carrier (“ETC”) designation should not be required for such entities. Support should only be provided to schools that certify that they (a) provide CIPA-compliant service to students; (b) the household/child is eligible for the National School Lunch Program (“NSLP”); and (c) the school obtains from the student’s head-of-household a statement that such household does not receive other Lifeline support. If the Commission establishes a national verifier, schools should be able to directly access the system to determine if a student that does not participate in the NSLP may be eligible as a result of participation in another qualifying federal assistance program. Schools should also have access to the National Lifeline Accountability Database (“NLAD”) to determine that a student is not already receiving Lifeline from another provider.

Finally, Kajeet supports Common Sense Kids Action’s suggestion that “the Lifeline program should give highest priority to low-income families with school-aged children, those most likely to be caught in the ‘homework gap.’”⁴ If the Commission ultimately decides to subject the program to a budget or a cap, families with school-aged children should be the program’s first priority.

II. THE HOMEWORK GAP IS CREATING A GROWING DIGITAL DIVIDE BETWEEN THE INTERNET HAVES AND HAVE-NOTS

Today’s students are technologically savvy and easily embrace digital learning. In fact, a recent study shows that more than 50 percent of students in grades 6 through 12 are online weekly to find resources for assignments and homework and 30 percent of high school students

⁴ Comments of Common Sense Kids Action, WC Docket Nos. 11-42 et al., at 4 (filed Aug. 31, 2015) (*Common Sense Kids Action Comments*).

use the Internet on a daily basis to complete their studies.⁵ Moreover, numerous studies confirm that teachers are increasingly assigning homework that requires Internet access to be completed, a rapidly growing trend.⁶ For example, the Consortium for School Networking’s (“CoSN”) 2015 IT Leadership Survey indicates that school districts expect instructional materials to be at least 50 percent digital within the next three years.⁷ A recent study by Futuresource Consulting, Ltd. projects that by 2016, 54 percent of students and teachers will have access to a school-issued personal computing device, a 31-point gain since 2012.⁸ Teachers are assigning more Internet-related work and schools are increasingly providing students with Internet-enabled laptops and tablets. For these reasons, as the Commission notes, “student access to the Internet has become a necessity, not a luxury.”⁹

The digital divide particularly affects low-income students. As a recent Pew Research Center study found, five million out of the 29 million households with school-aged children in

⁵ See Hispanic Heritage Foundation et al., *Taking the Pulse of the High School Student Experience in America: Research Findings “Access to Technology” Phase 1 of 6* (Apr. 29, 2015), https://www.fosi.org/documents/142/Taking_the_Pulse_Phase_1_Research_Findings_FINAL.pdf.

⁶ See e.g., *Common Sense Kids Action Comments* at 5-6 (Noting the results 2008 study conducted by Grunwald Associates LLC for Cable in the Classroom. Larry Barrett, *77% of Teachers Assign Internet-Required Homework: Survey*, Multichannel News (Oct. 24, 2008), <http://www.multichannel.com/news/internet-video/77-teachers-assign-internet-required-homework-survey/298980>).

⁷ *Common Sense Kids Action Comments* at 3; Consortium for School Networking, *2015 K-12 IT Leadership Survey Report 4*, (2015), available at http://cosn.org/sites/default/files/pdf/CoSN_ITLdrship_Report_2015FINAL.pdf.

⁸ Comments of the Education and Libraries Networks Coalition, WC Docket Nos. 11-42 et al., at 2 (filed Aug. 26, 2015) (*EdLiNC Comments*); Michele Molnar, *Half of K12 Students to Have Access to 1-to-1 Computing by 2015-16*, Education Week (Feb. 24, 2015, 10:15 PM), http://blogs.edweek.org/edweek/marketplacek12/2015/02/half_of_k-12_students_to_have_access_to_1-to-1_computing_by_2015-16_1.html.

⁹ Notice at ¶ 18.

the United States lack access to broadband services.¹⁰ The study concludes “low-income homes with children are four times more likely to be without broadband than their middle or upper-income counterparts.”¹¹ Ultimately, this disadvantaged position jeopardizes the student’s performance, grades, and even graduation rates. Simply put, schools have moved online. If you are not online, you are not in school. If you are not in school, your chances of success in life are substantially diminished. As Commissioner Rosenworcel recently put it, “[t]he Homework Gap is the cruelest part of the new digital divide. Today, too many students are unable to complete their school assignments because they do not have Internet access at home. This means they fall behind in the classroom—and we all lose out when we have a generation ill-prepared to enter the digital economy.”¹²

Within every district, there are hundreds, or even thousands, of students who do not have access to the Internet once they leave the classroom. Kajeet estimates that nationwide more than ten million students lack digital access at home.¹³ Yet, as CoSN notes in its comments, even school districts that recognize the need to help get these students connected are often unable to provide off-campus access to their students. CoSN states that “the problem is pronounced for poor and rural families” and found in a recent survey of school districts that “82% of districts are

¹⁰ John B. Horrigan, *The Numbers Behind the Broadband ‘Homework’ Gap*, Pew Research Center (Apr. 20, 2015), <http://www.pewresearch.org/fact-tank/2015/04/20/the-numbers-behind-the-broadband-homework-gap/>.

¹¹ *Id.*

¹² Statement of Commissioner Jessica Rosenworcel, FCC, Regarding Introduction of Digital Learning Equity Act (Sep. 22, 2015), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2015/db0922/DOC-335419A1.pdf

¹³ Kajeet, *Education Broadband: What We Solve: Your District’s Digital Divide*, <http://www.kajeet.net/education-broadband> (last visited Sep. 24, 2015).

not providing any type of off campus Internet services for their students.”¹⁴ This is not because they have not identified the problem. It is because they simply lack the budget to do anything about it. The Commission has thoroughly documented the challenges that students face as a result of the homework gap¹⁵ and commenters have bolstered the Commission’s findings with further evidence of the challenges disproportionately faced by low-income families.¹⁶ The Commission should seize this opportunity to reform the Lifeline program in a manner that directly addresses the homework gap.

III. PUBLIC AND CHARTER SCHOOLS SHOULD BE ELIGIBLE TO DIRECTLY RECEIVE LIFELINE SUPPORT TO PROVIDE ELIGIBLE STUDENTS CIPA-COMPLIANT EDUCATIONAL BROADBAND

There is nearly universal support in the record to modernize the Lifeline program to support broadband. The Commission should take this step and should specifically provide support for stand-alone mobile broadband service directly to public and charter schools. In reforming Lifeline to support broadband, the Commission should recognize the specific benefits of mobile broadband and should not establish any requirements that directly or indirectly limit support for mobile broadband. As the Council for Chief State School Officers (“CCSSO”)

¹⁴ Comments of the Consortium for School Networking, WC Docket No. 11-42, at 2 (filed Aug. 25, 2015); Consortium for School Networking, *CoSN’s 2nd Annual E-Rate and Infrastructure Survey 22*, (2015), available at http://cosn.org/sites/default/files/pdf/CoSN%202nd%20Annual%20E-rate%20and%20Infrastructure%20Report,%2010-15-2014_2.pdf.

¹⁵ Notice at ¶¶ 18-22.

¹⁶ See Comments of the Alliance for Excellent Education, WC Docket Nos. 11-42 et al., at 5 (filed Aug. 17, 2015); Comments of the Am. Library Assoc., WC Docket Nos. 11-42 et al., at 7-8 (filed Aug. 31, 2015) (*ALA Comments*); Comments of the Benton Found. and Rural Broadband Policy Group, WC. Docket Nos. 11-42 et al., at 8 (filed Aug. 31, 2015); Comments of Comcast Corp., WC Docket Nos. 11-42 et al., at 3 (filed Aug 31, 2015); *Common Sense Kids Action Comments* at 5-8; Comments of the Council of Chief State School Officers, WC Docket Nos. 11-42 et al., at 2 (filed Aug. 31, 2015) (*CCSSO Comments*); *EdLiNC Comments* at 1-6; Comments of Public Knowledge, WC Docket Nos. 11-42 et al., at 5-7 (filed Aug. 31, 2015) (*Public Knowledge Comments*).

states, “[a]t one time the exception, mobile learning platforms are becoming the norm. One survey found that nearly 60 percent of the respondents said mobile tech has been adopted in a quarter or more of the schools in their district.”¹⁷

A. Public and charter schools should be eligible to receive Lifeline support to provide mobile education broadband for Lifeline-eligible students

School administrators and teachers know their students well and have a keen understanding of which students are not able to access the Internet at home. They also have access to data to determine which students are eligible for free and reduced school lunch through the NSLP and are thus eligible for the Lifeline program. Therefore, schools who certify that they comply with all Lifeline program rules as determined by the Commission¹⁸ should be eligible to receive \$9.25 per month¹⁹ for each mobile education broadband connection to which they subscribe and make available to Lifeline eligible students for off-campus Internet access.

Just as healthcare providers participating in the Commission’s Healthcare Connect Fund receive support directly from the Commission,²⁰ schools should be able to receive Lifeline support directly from the Commission to provide their Lifeline-eligible students with access to mobile educational broadband. As the Schools Health and Libraries Broadband (“SHLB”) Coalition states, “there is no reason that the Lifeline program should be restricted to ETCs. Municipalities, non-profit providers and even some schools and libraries are offering broadband

¹⁷ *CCSSO Comments* at 5.

¹⁸ *See infra* Section III.B.

¹⁹ Kajeet supports keeping the current monthly per-subscriber support amount at \$9.25.

²⁰ *Rural Health Care Support Mechanism*, Report and Order, WC Docket No. 02-60, 27 FCC Rcd 16678.

data services to low-income consumers, and they should be eligible to participate in the Lifeline program to the extent they are providing service to eligible low-income consumers.”²¹

Many parties, from carriers to public interest organizations,²² argue that the Commission should take steps to make it easier for new entrants to receive Lifeline support and that the Commission has the legal authority to provide support to non-ETCs. Kajeet is not arguing for Lifeline support to be used by schools to build their own networks. To the contrary, Kajeet’s proposal is for schools to receive a monthly support amount which can be put towards the monthly cost of mobile broadband connections that they pay for on behalf of their Lifeline-eligible students. Receipt of such funding should be permitted without the school having to become an ETC. As described in the *Notice*, the Commission expressly stated in the 1997 *Universal Service First Report and Order* that its decision to limit Lifeline support to ETCs that it was for “administrative convenience and efficiency.”²³ The Commission also indicated that it would reassess that decision if it appears that the Lifeline program “is not being made available to low-income consumers nationwide.”²⁴ If Lifeline support is extended to include broadband, then there is no more clear justification than the data described above concerning the homework gap for revisiting the nearly twenty-year-old decision to limit Lifeline support to ETCs.

Providing Lifeline support is also consistent with Section 254(h)(2) of the Act which directs the Commission to establish “competitively neutral rules” to enhance “access to advanced

²¹ Comments of the Schools, Health & Libraries Broadband Coalition, WC Docket Nos. 11-42 et al., at 7 (filed Aug. 31, 2015).

²² See Comments of AT&T, WC Docket Nos. 11-42 et al., at 27-29 (filed Aug. 31, 2015); Comments of The National Housing Conference, WC Docket Nos. 11-42 et al., at 6 (filed Aug. 25, 2015); Comments of the Nat’l Cable and Telecomm’ns Assoc., WC Docket Nos. 11-42 et al., at 4-5 (filed Aug. 31, 2015); *Public Knowledge Comments* at 27.

²³ *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, 12 FCC Rcd 8776, 8971-8972 at ¶ 369 (1997).

²⁴ *Id.* at ¶ 370.

telecommunications and information services for all public and non-profit elementary and secondary school *classrooms*.”²⁵ As the Commission notes, “the need for connectivity for educational purposes does not necessarily stop at the end of the school day.”²⁶ Furthermore, the Commission states, “Lifeline can help to extend broadband access beyond the school walls and the school day to ensure low-income students do not become digitally disconnected once they leave the school building.”²⁷ The modern day classroom is no longer in one physical location. The classroom extends to any location where a student is equipped with a computer and an Internet connection. Thus, in addition to having the authority to extend Lifeline support to non-ETCs, providing support directly to public and non-profit charter schools is also supportive of the Act’s goal to ensure connectivity in all classrooms, which are no longer confined to the physical location of a school.²⁸

B. The Commission should establish minimum compliance requirements that schools must meet to receive Lifeline-supported mobile education broadband

In order for schools to receive Lifeline-support for mobile education broadband, the Commission should require such schools to certify that (a) they provide CIPA-compliant service to students; (b) the household/child is eligible for the NSLP; and (c) the school obtains from the student’s head-of-household a statement that such household does not receive other Lifeline support.

²⁵ 47 U.S.C. § 254(h)(2)(a) (emphasis added).

²⁶ Notice at ¶ 18.

²⁷ *Id.* at ¶ 22.

²⁸ A recently released study on 2013 and 2014 data found that 5.3 million students took online classes in fall 2013, that 70.8 percent of academic leaders claim online learning is critical to their institution’s long-term strategy, and that 74.1 percent of academic leaders rate the learning outcomes in online education the same or superior compared to face-to-face classrooms. I. Elaine Allen and Jeff Seamen, *Grade Level: Tracking Online Education in the United States*, Babson Survey Research Group et al. (February 2015), <http://www.onlinelearningsurvey.com/reports/gradelevel.pdf>.

First, whether provided directly to schools as suggested by Kajeet or through another mechanism that targets Lifeline support to school-aged children, it is essential that such services be compliant with CIPA.²⁹ Schools subject to CIPA may not receive discounts offered by the E-rate program unless they certify that they have an Internet safety policy that includes technology protection measures. Similarly, schools should not be entitled to receive Lifeline to support mobile educational broadband unless they certify that they have protection measures that block or filter Internet access to obscene content, child pornography, or other information determined by the school/district to be harmful to students. Federal funding for student access to the Internet must include an obligation that recipients ensure that students use such connectivity for educational purposes and are unable to access inappropriate content. In addition to protecting children, this approach stretches scarce resources to achieve even greater educational benefits.

Second, Lifeline support for mobile education broadband must only go to Lifeline-eligible students. Therefore, schools should be required to certify that they only seek reimbursement from the Universal Service Administrative Company (“USAC”) for the monthly service that is provided to students who are eligible for Lifeline and whose household is not already receiving a Lifeline benefit. Since schools already know which students are eligible for free and reduced school lunch they could determine eligibility using that data. If the Commission establishes a national verifier, schools could also be given access to that system to determine if students that are not eligible for Lifeline under the NSLP may be eligible via participation in another qualifying federal assistance program. The American Library

²⁹ Child’s Internet Protection Act, Pub. L. No. 106-554, 114 stat. 2763.

IV. CONCLUSION

Respectfully submitted,

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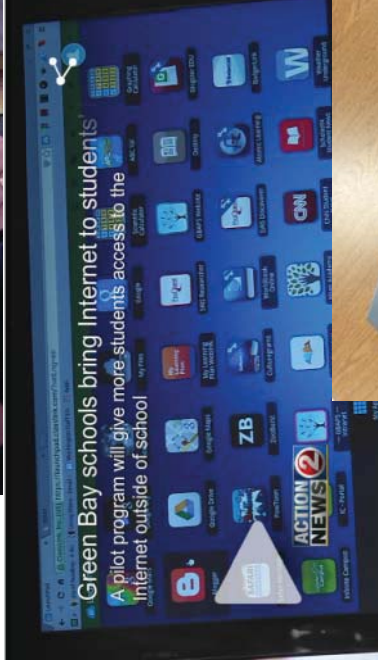
³⁰ *ALA Comments* at 17 (suggesting that “once an individual is verified through a third party as eligible for Lifeline service, that verification could be used in the library as a mechanism to verify that the person requesting a Lifeline-supported WiFi device is eligible to check it out.”).

Appendix A

Green Bay Area Schools, WI



- SmartSpots checked out by students at the Media Center
- 10 devices per school
- Result = hundreds of students connected, devices “constantly” checked out.



“A lot of our classes are going paperless, a lot of the technology is just becoming intertwined with the way that we teach.”

--Kristin Brouchoud, library media specialist at Washington Middle School.

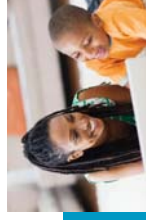


Detroit Public Schools, MI

- Only 30% of DPS' 50K students have home access
- SmartSpots + Netbooks provided to grades 8-12 students in a 1:1 take-home program

"Having Kajeet SmartSpot devices has allowed teachers to supplement their lesson plans with online academic sites and ensure that students have the appropriate means to complete homework and projects."

--Lynn Chudy, Middle School
Science Teacher



Worthington Public Schools, OH

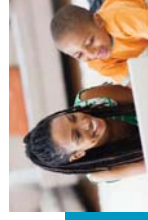


- Kajeet Technology Embedded in HP Chromebooks
- 3,000+ Chromebooks Deployed
- Results = ~500 Students Connected



"Connectivity at home is an issue we have been monitoring for several years, however we needed to find a good solution within our budget to close the gap, ...it made sense for us to partner with Kajeet."

--Keith Schlarb, IT Director



Richland District Two, SC

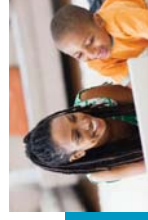


- Mapping data linked the access gap to test scores and grades
- Focus on ESOL students and multi-child households
- Partnered w/ Hispanic family liaisons
- Results = Over 200 families connected



“Bridging the Digital Divide is very important to us. We have a lot of blended learning initiatives, and we want to make sure that ALL our students have access to the tools they need after school.”

--Donna Teuber, Team Lead for Technology Integration



Forsyth County Schools, GA



Community effort provides students with MiFi devices

By Jennifer Sami
jsami@forsythnews.com

POSTED: November 4, 2013 12:30 a.m.



- National leader in BYOT
- Students that could “find” devices often still lack access
- Created a Digital Equity Task Force to partner with community leaders
- Results = Over 150 families connected

“We are trying to achieve the transformative use of technology, where kids are doing things they wouldn’t be able to otherwise. Internet off-campus access gives educators and students more options, beyond just turning an assignment in to a teacher.”

--Tim Clark, Coordinator of Instructional Technology



Affton School District, MO



- 25% of students lacked access
- 44% impacted by poverty daily
- Partnered with counselors to identify need
- Students wouldn't raise their hand and admit need readily

"They get access at school and the other 18 hours of day there needs to be that equity. We want to focus on kids making, creating and designing as part of their learning. You can't do that just in the classroom. It is anytime, anywhere. "

--Robert Dillon, Director of Technology and Innovation

